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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kevin D. Horner-Richardson, David A. Small
and Jesse A. Roberts
Serial No. 09/821,868
Filed March 30, 2001
Confirmation No. 9294
For PLASMA ARC TORCH AND METHOD FOR IMPROVED LIFE OF PLASMA ARC
TORCH CONSUMABLE PARTS

October 10, 2001

PETITION UNDER 37 CFR 1.47(a)

RECEIVED

OCT 16 2001

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
Washington, D.C. 20231

OFFICE OF PETITIONS

SIR/MADAM:

Thermal Dynamics Corporation, assignee of the above-identified application (hereinafter "Assignee"), and Kevin D. Horner-Richardson and Jesse A. Roberts, joint inventors identified in the above-identified application, hereby petition the Commissioner under Rule 47(a) to accept the enclosed DECLARATION AND POWER OF ATTORNEY signed by Kevin D. Horner-Richardson and Jesse A. Roberts, and without the signature of David A. Small, the remaining joint inventor.

Despite diligent and repeated contacts and attempted contacts with Mr. Small by Assignee, and in particular by Kevin D. Horner-Richardson, Mr. Small has been unavailable and unresponsive to requests to sign the DECLARATION AND POWER OF ATTORNEY as indicated in the enclosed DECLARATION OF FACTS. The DECLARATION AND POWER OF ATTORNEY is necessary to preserve the rights of Assignee. Assignee is the sole and exclusive owner of the above-identified patent application as a result of the assignments enclosed with the

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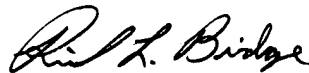
DECLARATION OF FACTS and recorded respectively at Reel 010879, Frame 0418 and Reel 010880, Frame 0382.

The last known address of Mr. Small is P.O. Box 128, Sharon, Vermont 05065.

It is noted that Mr. Small is aware of the above-identified patent application and previously cooperated in the filing of two U.S. provisional patent applications, Serial Nos. 60/193,820, filed March 31, 2000, and 60/193,602, also filed March 31, 2000, on which the above-identified patent application is based, and executed an assignment recorded with each of the provisional applications. In view of these facts, in view of the signatures by the other joint inventors, and particularly in view of the fact that Mr. Small previously assigned his rights to Assignee, Assignee and the signing joint inventors request that the Commissioner grant this petition.

* A check for \$130.00 to cover the Petition fee is enclosed. If there are any additional charges in this matter, please charge Deposit Account No. 19-1345.

Respectfully submitted,



Richard L. Bridge, Reg. No. 40,529
Senniger, Powers, Leavitt & Roedel
One Metropolitan Square, 16th Floor
St. Louis, MO 63102
(314) 231-5400

RLB/psm

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